GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – PR&RD – Allegations of misconduct – Departmental proceedings against Sri B. Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 365 Dated: 13-05-2019

Read:-

From Director General, ACB, Vijayawada Letter Rc.No.129/RCT-TCT/2015 Date:06-02-2019.

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ORDER:

It is proposed to hold an enquiry against Sri B. Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II, III and IV).

3. Sri B. Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri B. Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri B. Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri B. Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri B. Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR.K.S. JAWAHAR REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri B. Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District, through the Engineer-in-Chief, Panchayat Raj, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Vijayawada (in duplicate with a request to serve and return the dated acknowledgement copy).

Copy to:
The Director, Panchayat Raj Department, Vijayawada.
The Director General, ACB, Vijayawada(w.r.t. FIR in Cr.No.14/RCT-TCT/2015 of ACB, Tirupati, Tirupati Range)
The PR&RD (Estt.I) Department.
S.f./S.c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI B. ESWAR BABU, AE, PR O/o MPDO, B.N. KANDRIGA ON DEPUTATION TO O/o MPDO, NAGALAPURAM MANDAL, CHITTOOR DISTRICT

That Sri Bathala Eswar Babu, S/o Late Sri B. Basavaiah, aged about 56 years having joined in Government service as Technical Work Inspector, on 26-10-1984 in Panchayat Raj Department, got promoted as Assistant Engineer (PR) on 03-01-1988 and was posted to Pakala, Chittoor District. He worked in the above capacities at various places in Chittoor District. He was deputed as Assistant Engineer (PR) to the O/o MPDO, Nagalapuram, Chittoor District from 25-02-2015 to 09-09-2015.

CHARGE: That Sri B. Eswar Babu, A.E., while working in the above capacity during the above mentioned period, he has committed grave misconduct in as much as he did not hand over the charge to his successor, Sri P. Gopal, AE, who reported in MPDO office, Nagalapuram on 01-09-2015 and violated orders of Superintending Engineer, PR, Chittoor vide Ref No: A1/726/2015, dt: 15-08-2015 and orders of Executive Engineer, PR, Chittoor vide Ref. No. A1/32/2015, dt: 20-08-2015 and there by failed to maintain absolute integrity by violating APCS (Conduct) Rules, 1964.

Thus, Sri Bathala Eswar Babu, AE, Panchayat Raj, O/o MPDO, B.N Kandriga on deputation to O/o MPDO, Nagalapuram Mandal, Chittoor District by his above mentioned act has exhibited lack of integrity, devotion to duty, conduct unbecoming of a Government servant and thereby contravened Rules 3(1) & (2) of AP Civil Services (Conduct) Rules, 1964.

Hence the charge.

DR. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SRI BATHALA ESWARA BABU, S/O LATE B. BASAVAIAH, ASSISTANT ENGINEER, PANCHAYAT RAJ, O/*O* MPDO, BN KANDRIGA MANDAL, ON DEPUTATION TO THE O/O MPDO, NAGALAPURAM MANDAL, CHITTOOR DISTRICT.

That Sri Bathala Eswar Babu, S/o Late Sri B. Basavaiah, aged about 56 years is a native of Srikalahasthi town & Mandal, Chittoor District. His date of birth is 15-06-1960. He entered into Government service as Technical Work Inspector, on 26-10-1984 in Panchayat Raj Department, got promoted as Assistant Engineer (PR) on 03-01-1988 and was posted to Pakala, Chittoor District. He was deputed as Assistant Engineer (PR) to the O/o MPDO, Nagalapuram Mandal, Chittoor District from 25-02-2015 to 09-09-2015 while working in O/o MPDO, B.N. Kandriga, Chittoor district. He is drawing a basic pay of Rs.58,330/- in the time scale pay of Rs.42,490/- to Rs.96,110/-. He is here-in-after referred to as Government Servant.

CHARGE:

That Sri B.Eswar Babu while working as Assistant Engineer (PR), on deputation at the Olo MPDO, Nagalapuram, Chittoor District did not hand over the charge to his successor, Sri P. Gopal, AE, who reported in MPDO office, Nagalapuram on 01-09-2015 and there by violated orders of Superintending Engineer, PR, Chittoor vide Ref No: A1/726/2015, dt: 15-08-2015 and orders of Executive Engineer, PR, Chittoor vide Ref. No. A1/32/2015, dt: 20-08-2015 and there by failed to maintain absolute integrity by violating APCS (Conduct) Rules, 1964.

FACTS AND EVIDENCES

On 09-09-2015 at about 11:00 AM Sri Pattipati Harshavardhan Prasad, *Sl*o. Sri Bakthavathalam, aged about 30 years, D.No.3-109, Achama Naidu Kandriga Village, Karani Post, Nagalapuram Mandal, Chittoor District came to the ACB office, Tirupati and lodged a Telugu computer typed report to the DSP, ACB, Tirupati stating that the Government Servant Sri Bathala Eswar Babu, S/o. Late. B.Basavaiah, age 56 years had demanded him bribe amount of Rs. 25,000/- for doing an official favour.

Then on the same day the DSP received the report and in turn entrusted the report to Sri K. Chandrasekhar, Inspector of Police, ACB, Tirupati with instructions to cause enquiries about the genuineness of the complainant and the reputation of the Government Servant and to make necessary arrangements to organize a trap if the complaint facts are genuine and the reputation of the Government Servant is bad.

Basing on the complaint of Sri Pattipati Harshavardhan Prasad, Slo. Bakthavathalam, aged about 30 years, D.No.3-109, Achama Naidu Kandriga Village, Karani Post, Nagalapuram Mandal, Chittoor District a case in Cr.No. 14/RCT-TCT/2015 U/sec. 7 of PC Act-1988 was registered in ACB, Tirupati, Tirupati Range after confirming that the complaint facts are genuine and the reputation of the Government Servant is bad.

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During the course of investigation, the Government Servant Bathala Eswar Babu, S/o. Late B.Basavaiah, aged 56 years, Assistant Engineer, PR, (on deputation), O/o MPDO, Nagalapuram Mandal, Chittoor District was trapped on 09-09-2015 at 06:40 PM in the room of AE, Panchayat Raj, located in the O/o MPDO, Nagalapuram Mandal, Chittoor District. The complainant met the AO at the above place where in the AO demanded the bribe amount of Rs. 25,000/ from the complainant and accepted the tainted currency with his right hand and counted it with his both hands and then kept the same in his trouser's right side front pocket.

The chemical test conducted on the both hand fingers and the inner linings of the trouser's right front side pocket of Government Servant yielded positive results. The bribe amount of Rs. 25,000/- was recovered from the trouser's right front side pocket of Government Servant at his instance.

During the post trap proceedings, it came to light that the Government Servant was transferred from Nagalapuram and one Sri P. Gopal, AE was reported in his place, but he did not hand over the charge to his successor Sri P. Gopal, AE, who reported in MPDO office, Nagalapuram on 01-09-2015 and violated orders of Superintending Engineer, PR, Chittoor vide Ref No: *A1/*726/2015, dt: 15-08-2015 and orders of Executive Engineer, PR, Chittoor vide Ref. No. A1/32/2015, dt: 20-08-2015.

Oral Evidence:

1. Sri Pattipati Harshavardhan Prasad : To speak to the facts of demand of bribe by the Government Servant and lodging a complaint before the DSP, ACB, Tirupati, accepting of bribe by the Government Servant and etc facts.,
2. Sri Sirevelu **Balasubramanyam**: To speak about, acting as mediator 1 and the facts of pre-trap and post-trap proceedings and etc., facts.
3. Sri Tanikondareddy Chakradar: To speak about acting as mediator 2 and the facts of pre-trap and post-trap proceedings and etc., facts.
4. Superintending Engineer, Panchayath Raj Department: To speak to the facts of issuing orders in Ref. No: A*1/7*26/2015, dt: 15-08-2015 posting Sri P. Gopal as AE, Nagalapuram Mandal in place of the Government Servant and the Government Servant not handing over charge to him and etc., facts.
5. Executive Engineer, Panchayat Raj department: To speak to the facts of issuing orders in A1/32/2015, dt: 20-08-2015 posting Sri P. Gopal as AE, Nagalapuram Mandal in place of the Government Servant and the Government Servant not handing over charge to him and etc., facts.
6. Sri P.Gopal, AE : To speak to the facts of being posted as AE (PR) Nagalapuyram in place of the Government Servant and the Government Servant not handing over charge to him as on 09-09-2015 and etc facts.
7. Sri. A.Sankar Reddy, Dy. Supdt. Of Police, ACB, Tirupati Range, Tirupati : To speak about registration of FIR, laying of trap , arrest of AE (PR), his investigation and etc facts,
8. K. Chandra Sekhar, Inspector of Police, ACB, Tirupati: To speak about verification of the antecedents of AE(PR) and genuineness of complainant, his investigation and filling of charge sheet and etc facts

Documentary Evidence:

1. Copy of FIR in Cr.No.14/RCT-TCT/2015 of ACB, Tirupati, Tirupati Range.

2. Copy of mediators report - ll drafted on 09-09-2015 from 18:50 hrs to 23:50 hrs in the room of AE, Panchayat Raj, located in the O/o MPDO, Nagalapuram Mandal. Chittoor District.

3.Copy of orders of Superintending Engineer, PR, Chittoor vide Ref No: A*1*/726/2015, dt: 15-08-2015 and

4.Copy of orders of Executive Engineer, PR, Chittoor vide Ref. No. A1/32/2015, dt: 20-08-2015.

The facts and material so gathered reveals that the Government Servant Sri Bathala Eswara Babu, Assistant Engineer (PR), on deputation to the O/o MPDO, Nagalapuram, Chittoor District by his above mentioned act has exhibited lack of integrity, devotion to duty and conduct, unbecoming of Government Servant and thereby contravened Rules 3(1) & (2) of AP Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular Departmental Action for Major penalty.

DR. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – III

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI BATHALA ESWARA BABU, S/O LATE B. BASAVAIAH, ASSISTANT ENGINEER, PANCHAYAT RAJ, O/O MPDO, BN KANDRIGA MANDAL, ON DEPUTATION TO THE O/O MPDO, NAGALAPURAM MANDAL,CHITTOOR DISTRICT ARE PROPOSED TO BE SUSTAINED

1. Sri. Pattipati Harshavardhan Prasad, S/o Sri P. Bakthavathalam, aged about 30 years, D.No.3-109, Achama Naidu Kandriga Village, Karani Post, Nagalapuram Mandal, Chittoor District.

2. Sri Sirevelu Balasubramanyam S/o Sri S. Bojjanna, aged about 53 years, Principal, Government Junior College, Karvetinagaram, Chittoor Dist. R/o D.No.28-223, Rajareddy Street, Chittoor Town (Mediator - 1).

3. Sri Tanikondareddy Chakradar, *Sl*o T. Guruswamy, aged about 29 years, Lecturer in Mathamatics, Government Junior College, Karvetinagaram, Chittoor Dist. R/o D. No.11-35, Flat No. 104, S.P.Kesava Towers, S.V. Nagar, Tirupati (Mediator-11).

4. The Superintending Engineer, Panchayat Raj Department, Chittoor, Chittoor district.

5. The Executive Engineer, Panchayat Raj Department, Tirupati, Chittoor district.

6. Sri P.Gopal, Assistant Engineer (PR), Olo MPDO, Nagalapuram Mandal, Chittoor District.

7. Sri. A.Sankar Reddy, Dy. Supdt. Of Police, ACB, Tirupati Range, Tirupati.

8. K. Chandra Sekhar, Inspector of Police, ACB, Tirupati.

DR. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF DOCUMENTS:

1. Copy of FIR in Cr.No.14/RCT-TCT/2015 of ACB, Tirupati, Tirupati Range.

2. Copy of mediators report - I drafted on 09-09-2015 from 18:50 hrs to 23:50 hrs in the room of AE, Panchayat Raj, located in the Olo MPDO, Nagalapuram Mandal, Chittoor District.

3. Copy of orders of Superintending Engineer, PR, Chittoor vide Ref No:A*1*/726/2015, dt: 15-08-2015.

4. Copy of orders of Executive Engineer, PR, Chittoor vide Ref. No.A*1*/32/2015, dt: 20-08-2015.

DR. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER